

**SOUTHEAST REGION  
INTRA-SERVICE SECTION 7  
BIOLOGICAL EVALUATION FORM**

**RECEIVED**  
2/15/14  
HBB

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**Date:** January 2, 2014

**PROJECT NAME (Grant Title/Number):** Sea Rim State Park Project – Wildlife Blinds, Comfort Station & Fish-Cleaning Shelter (Sea Rim Park Project)

**I. Service Program:**

- ☒ **NRDAR**
- ☐ **Ecological Services**
- ☐ **Federal Aid**
  - ☐ **Clean Vessel Act**
  - ☐ **Coastal Wetlands**
  - ☐ **Endangered Species Section 6**
  - ☐ **Partners for Fish and Wildlife**
  - ☐ **Sport Fish Restoration**
  - ☐ **Wildlife Restoration**
- ☐ **Fisheries**
- ☐ **Refuges/Wildlife**

**II. State/Agency:** Texas Parks and Wildlife Department (TPWD)

**III. Station Name:** DOI Deepwater Horizon Case Management Team, USFWS Southeast Regional Office, Atlanta, Georgia 30345

**IV. Location (attach map):** See attached Figures.

**A. Ecoregion Number and Name:** Region 2, Southwest Region

**B. County and State:** Jefferson County, Texas

**C. Section, township, and range (or latitude and longitude):** The Sea Rim Park Project area is located within Sea Rim State Park, Jefferson County, Texas. Coordinates inside of Sea Rim Park near the project area are 29.679497, -94.043953.

**D. Distance (miles) and direction to nearest town:** The project area is approximately 10 miles from Sabine Pass and 15 miles from Port Arthur, Texas.

**V. Description of Proposed Action (attach additional pages as needed):**

The proposed project will create infrastructure (two viewing platforms, a comfort station, and a fish cleaning shelter) at Sea Rim State Park, Jefferson County, Texas, (Figure 1) to support visitor use.

- Producing a new development footprint no larger than the original,
- Minimizing the losses of wetlands that experience surface inundation,
- Minimizing the losses of dunes over 6 feet in elevation, and
- Using sustainable construction methods to create energy efficient structures.

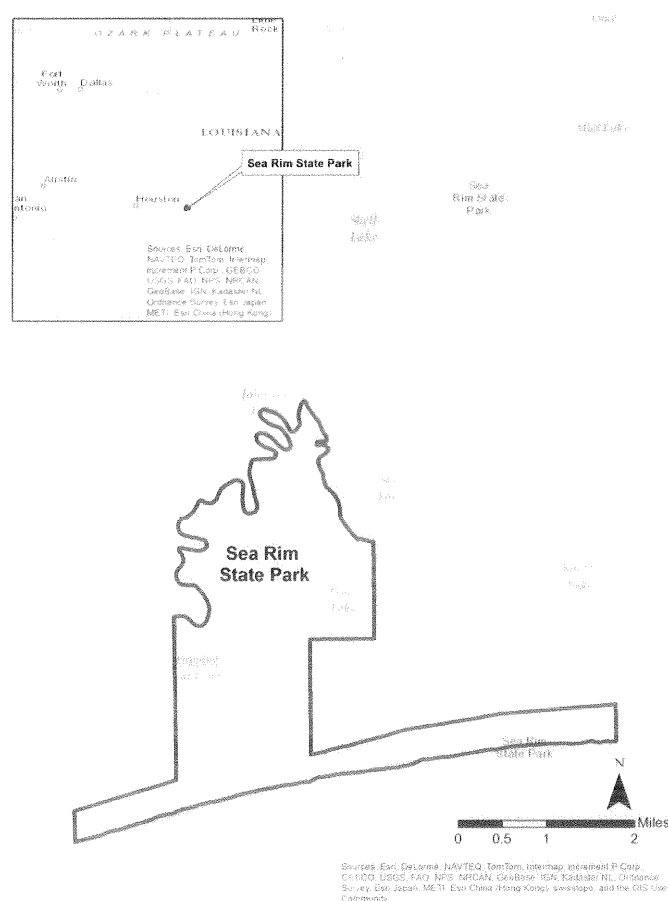


Figure 1. Location of Sea Rim State Park.

Specifically, the Sea Rim State Park Project includes construction of two wildlife viewing platforms (Fence Lake and Willow Pond), one comfort station (vault toilet), and one fish cleaning shelter in the Park (Figure 2). The Fence Lake viewing platform will provide wildlife viewing opportunities for kayaks and other shallow draft boats. The platform, located in open water in Fence Lake, will have a vessel docking area and a raised platform to provide visitors a high vantage point to see above the nearby tall shoreline vegetation. The Willow Pond viewing platform and associated boardwalk will provide access to existing infrastructure to help improve viewing opportunities in coastal vegetation and wetland habitat. The new boardwalk will connect to a previously constructed boardwalk that is currently in the area but not accessible due to damage. The comfort station will be constructed near the boat ramp and will be similar to other pre-fabricated comfort stations in Texas State Parks. The comfort station will have separate men's and women's vault toilets and is intended to serve day-use visitors who are accessing the trails and/or using the boat ramp. The fish cleaning shelter will be located within and adjacent to the equestrian parking lot and it is near the beach.



Figure 2. Location of the proposed project within Sea Rim State Park.

### **Project Location**

Sea Rim State Park is located along the northern Texas coast in Jefferson County, Texas, southwest of Port Arthur, Texas (Figure 1). The Park includes 4,141 acres of marshland with 5 miles of beach shoreline in the western portion of the Chenier Plain. The Park is adjacent to one wildlife management area and two refuges (J.D. Murphee Wildlife Management Area, McFaddin National Wildlife Refuge,

and Texas Point National Wildlife Refuge). The dominant habitat type is tidally influenced brackish water marshes and lakes. In addition, the Park contains a stretch of sandy beach, dunes and dune swale wetlands abutting the shore of the Gulf of Mexico. Located along the Greater Texas Coastal Birding Trail, Sea Rim State Park serves as a rest stop for many species of migratory birds traveling the Central Flyway.

The Willow Pond viewing platform and the fish cleaning shelter will be located on the Gulf side of Highway 87 (Figure 2). The comfort station will be located in the boat ramp parking area and the Fence Lake viewing platform will be located on the southern end of Fence Lake (Figure 2).

The Fence Lake Project area is located in the northeast section of the Park within a tidally influenced shallow lake. The Lake is shallow (2-3 feet deep) and is connected to the Gulf Intracoastal Waterway and Sabine Lake (a major bay) through an 8-mile chain of canals and smaller lakes.

The Willow Pond boardwalk and viewing platform construction area is located on the Gulf (southern) side of Highway 87 within in the dune system that consists of saline prairie and isolated small wetland habitats (Figures 2 and 5).

The location of the proposed comfort station is within an existing parking area near a boat ramp (Figure 7). The substrate within the Project area contains fill at the surface down to 4 feet below the surface and there is mainly exotic grasses and asphalt present.

The proposed fish cleaning shelter is also located on the Gulf (southern) side of Highway 87 within the dune area and is adjacent to existing infrastructure and a parking lot. The construction area abuts a small wetland area (Figure 8).

### **Construction and Installation**

The proposed improvements are located in different places within the Park. The combined improvement footprint and construction limit for all four improvements would impact less than 0.5 acres of the existing Park (400 sq. feet at Fence Lake, 6,300 sq. feet at Willow Pond, 2,300 sq. feet at the comfort station, and 2,700 sq. feet at the fish cleaning shelter). New facilities would be located, to the extent feasible, within areas of previous disturbance.

### **Construction Schedule for all Improvements**

Request for Proposals to complete the individual improvements will be developed and publicly noticed for bid when funds are secured. The timeline for request for proposals, review, and award of contracts can take 4 to 6 months. Once contracts for construction are awarded, construction is expected to take 3 to 6 months to complete. Although a construction schedule has not yet been developed, each improvement is expected to take fewer than 30 days to build. All construction will occur during daylight hours, Monday through Friday. The date the contract is awarded may impact the timing of the Project. Contracts awarded towards the end of the year (August – December) may not be completed until the following spring or early summer, depending on weather conditions.

### **Fence Lake Viewing Platform**

Fence Lake is located to the north of Highway 87 and is connected to an existing boat ramp via a canal. (Figure 2). The Fence Lake viewing platform will consist of a 10-foot by 14-foot fixed platform and an adjacent 6-foot by 4-foot floating platform located in a small cove on Fence Lake. The smaller floating platform will have cleats to tie off boats and be available to assist passengers exiting boats. The floating platform will be adjacent to a ladder on the fixed platform. The additional height on the fixed platform





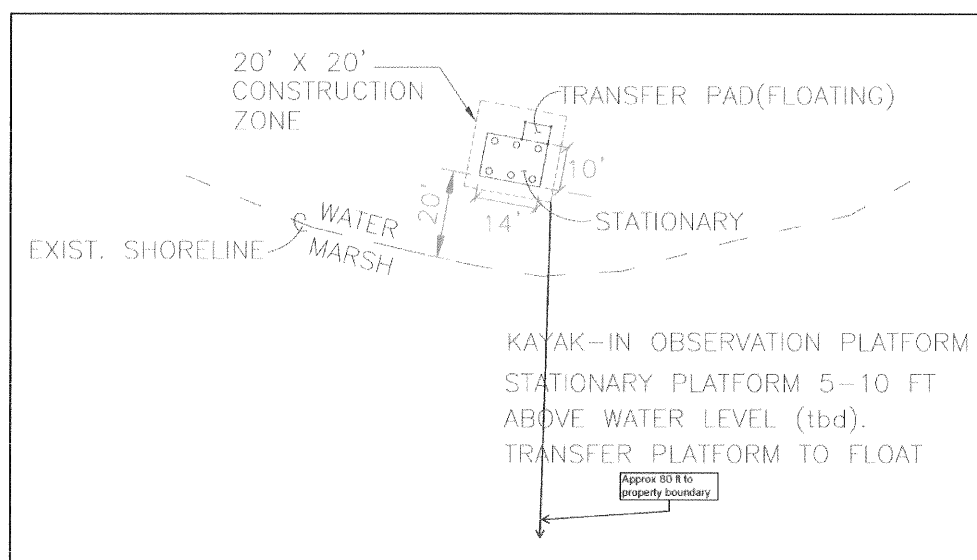


Figure 4. Site plan for the Fence Lake viewing platform.

#### *Grading and Ground Disturbance*

A 20-foot by 20-foot construction zone will be established around the worksite, which will be on the water of Fence Lake. About six 12-inch by 12-inch pilings, depending on the final design, will be driven into the sediments of Fence Lake with the aid of moderate sized excavation equipment or pile drivers. The platform will be constructed on the pilings and a floating platform will be attached to the structure.

#### *Mobilization, Staging, and Stockpiling*

Materials will be transported to the worksite by an airboat or other marine vessel. Most materials will be transported in and out of the site daily. However, a small barge or other vessel will likely stay at the site adjacent to the work area. From the boat, equipment will be used to drive the pilings into the lake bed. After the pilings are set and stabilized, the platform will be constructed on top of the pilings.

#### Willow Pond Viewing Platform

The Willow Pond boardwalk and viewing platform will be located on the Gulf side (south) of Highway 87. The Willow Pond Viewing Platform is a 16-foot by 8-foot observation platform which will be connected to a 5-foot wide boardwalk. The boardwalk will be connected to an adjacent road and nearby parking area (Figure 5). Additionally, the boardwalk will also connect to a previously constructed boardwalk that is currently in the area but not accessible. There are wetlands within the construction area of this Project and a permit will be obtained from USACE for construction activities. Since permanent and temporary impacts will be minimal, no mitigation is anticipated for this Project.

#### *Grading and Ground Disturbance*

The Willow Pond viewing platform will cause ground disturbance by placing support structures into the substrate. The maximum footprint of the construction area is anticipated to be 6,300 sq. feet (0.14 acres). A 20-foot construction zone (15 feet on one side and 5 feet on the other) around the boardwalk and platform will be established to allow access for construction personnel and equipment, and to limit the geographic scope of the impacts. Construction activities will include ingress and egress of construction equipment and workers, mowing and clearing of vegetation, driving of pilings, and construction of the decking and associated structures.

#### *Mobilization, Staging, and Stockpiling*

Existing roads and/or parking areas will be used to stage and stockpile materials for the Willow Pond platform and boardwalk. Materials can also be staged at the existing parking lot at the camping loop restroom until they are needed for construction. Equipment will include all-terrain vehicles, shredders, and a moderate sized rubber track compact radius excavator to drive the pilings for the boardwalk.

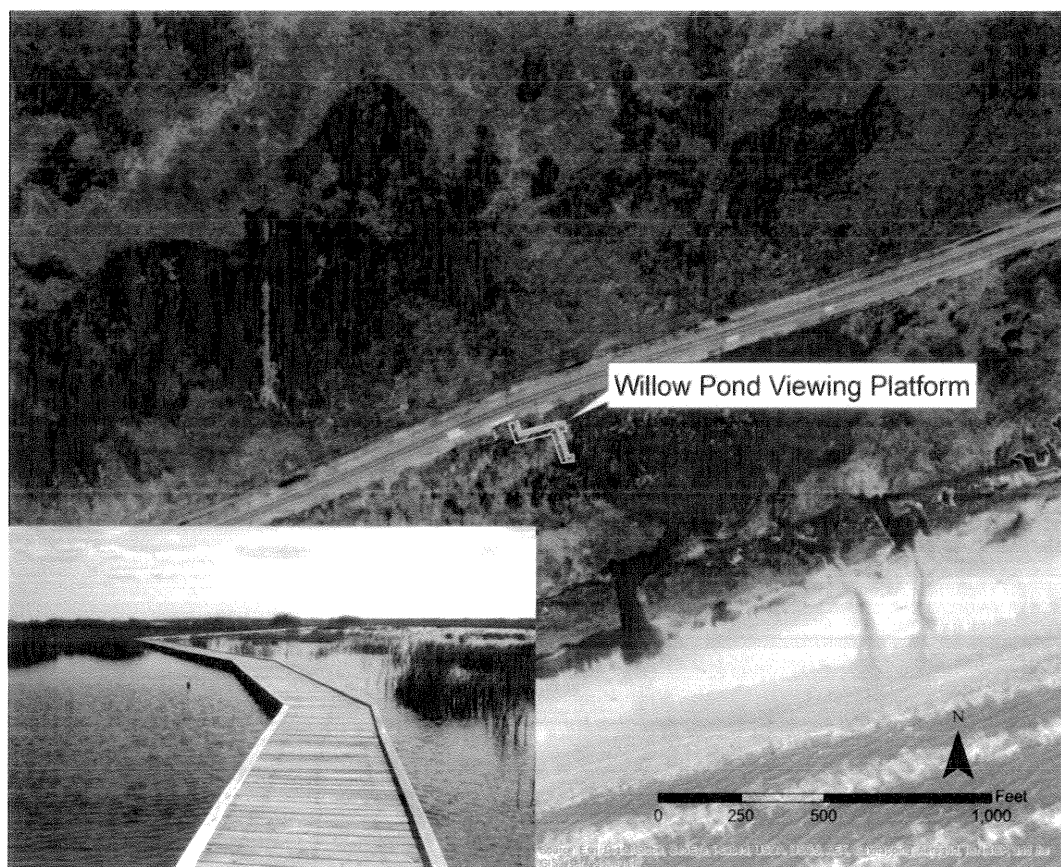


Figure 5. Location of the viewing platform and boardwalk on Willow Pond with an image of a boardwalk. Yellow shading indicates construction impacts and yellow outline indicates temporary construction impacts.

#### Comfort Station

The comfort station will be constructed near the boat ramp and will be similar to other pre-fabricated comfort stations in Texas State Parks (Figures 6 and 7). The comfort station will have separate men's and women's rooms and is intended to serve day-use visitors who are accessing the trails and/or using the boat ramp.

#### *Grading and Ground Disturbance*

Construction activities will occur on an asphalt parking lot and a grassy median which overlays approximately 4 feet of fill material. The construction area will be approximately 10 feet from the walls of the structure and 5 feet from the sidewalks. Installation of the comfort station will include excavation of a 14-foot long by 6-foot wide by 8-foot deep hole to accommodate the pre-constructed waste vaults.

#### Mobilization, Staging, and Stockpiling

The existing parking lot will be used to stage construction materials. Construction equipment will consist of a backhoe, tractor trailer, and crane to place the station.

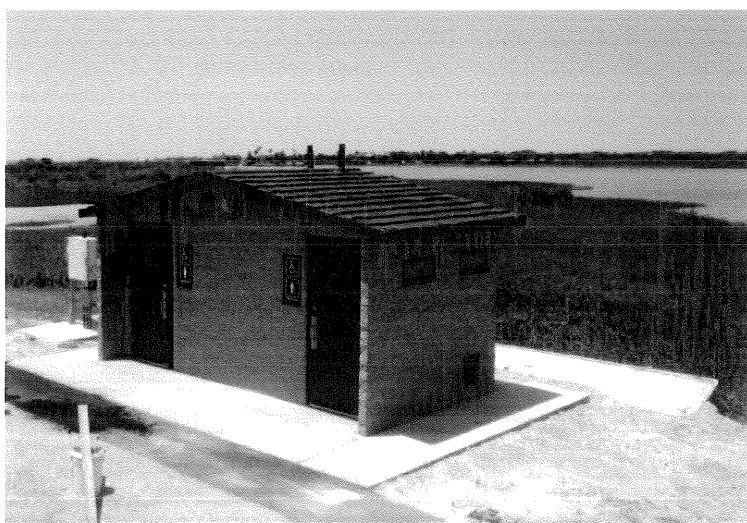


Figure 6. Example of a pre-fabricated comfort station (vault toilet).

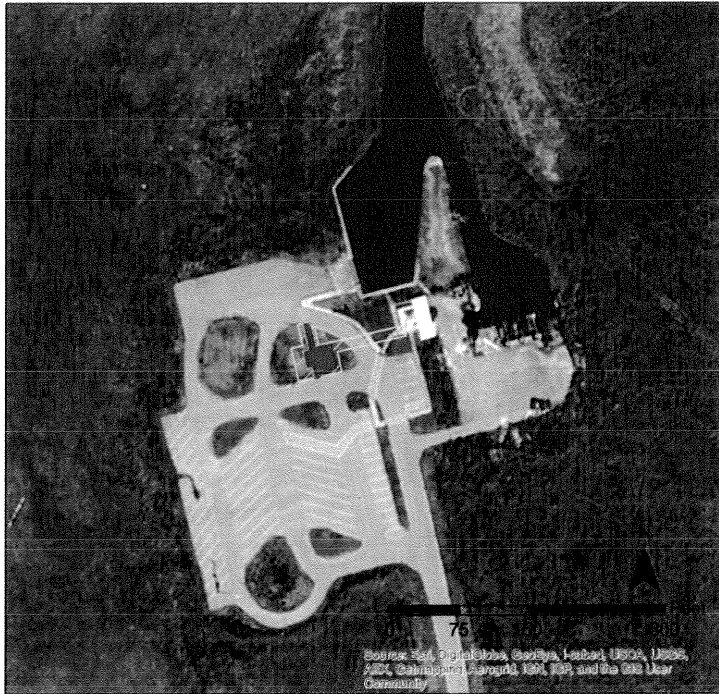


Figure 7. Location of the comfort station. Red shading indicates permanent construction impacts and yellow hatchmarks indicate temporary construction impacts.

#### Fish Cleaning Shelter

The fish cleaning shelter will be constructed on the northeast side of an existing parking lot on the Gulf side (south) of Highway 87. The fish cleaning shelter will be located adjacent to the equestrian parking lot and is near the beach (Figure 8). The building slab will be designed so that water will drain into a gravel area to aid in cleaning the area (Figure 9). Solids will be captured by the perforated garbage hole in the cleaning table and then disposed of in the dumpster. Although this shelter will be replacing a temporary rinse shower that was built in 2011, it will still provide access to potable water for patrons on the beach side of the Park.

#### *Utilities*

The fish cleaning shelter will connect to the existing water supply that is currently being used for the temporary rinse shower.

#### *Grading and Ground Disturbance*

The fish cleaning shelter will disturb both an area currently covered with asphalt and adjacent vegetation in order to construct proper flooring for the facility. The shelter will be about 15 feet by 17.5 feet (Figure 10). The construction limits will be about 10 feet around the building and 5 feet surrounding the sidewalks.

#### *Mobilization, Staging, and Stockpiling*

Adjacent roads and/or parking areas will be used to stage and stockpile materials for the shelter.

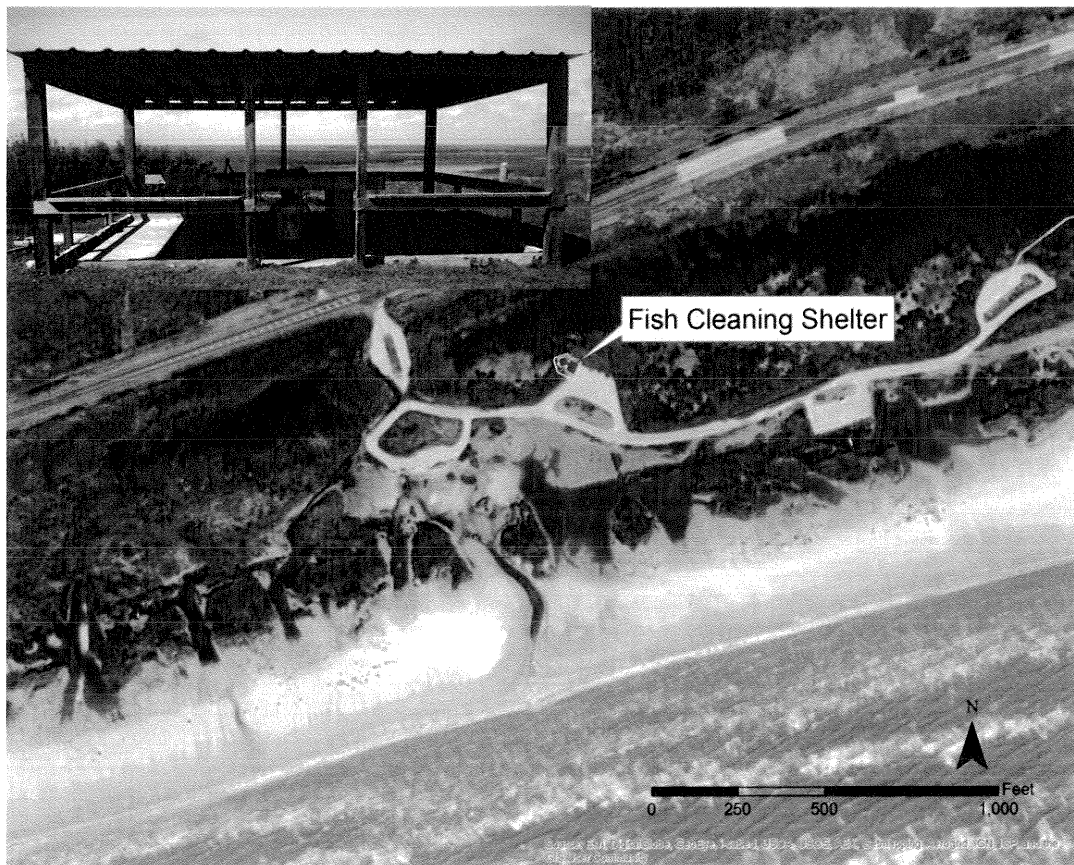


Figure 8. Location of the fishing cleaning shelter with an example of a fish cleaning shelter. Red shading indicates permanent construction impacts and yellow hatchmarks indicate temporary construction impacts.

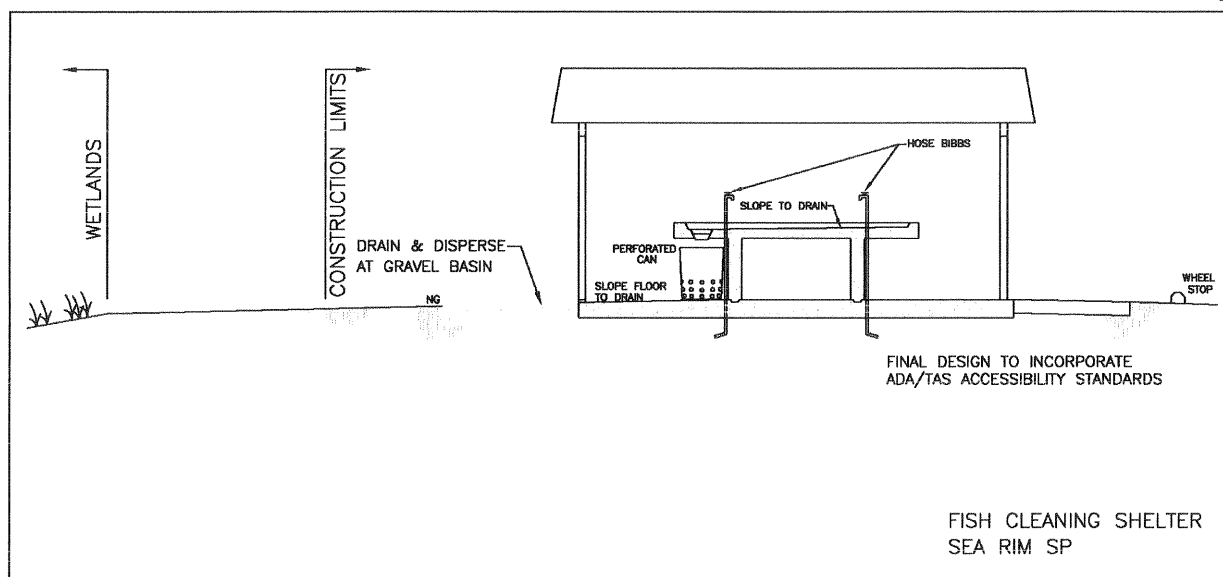


Figure 9. Preliminary design for the fish cleaning shelter.

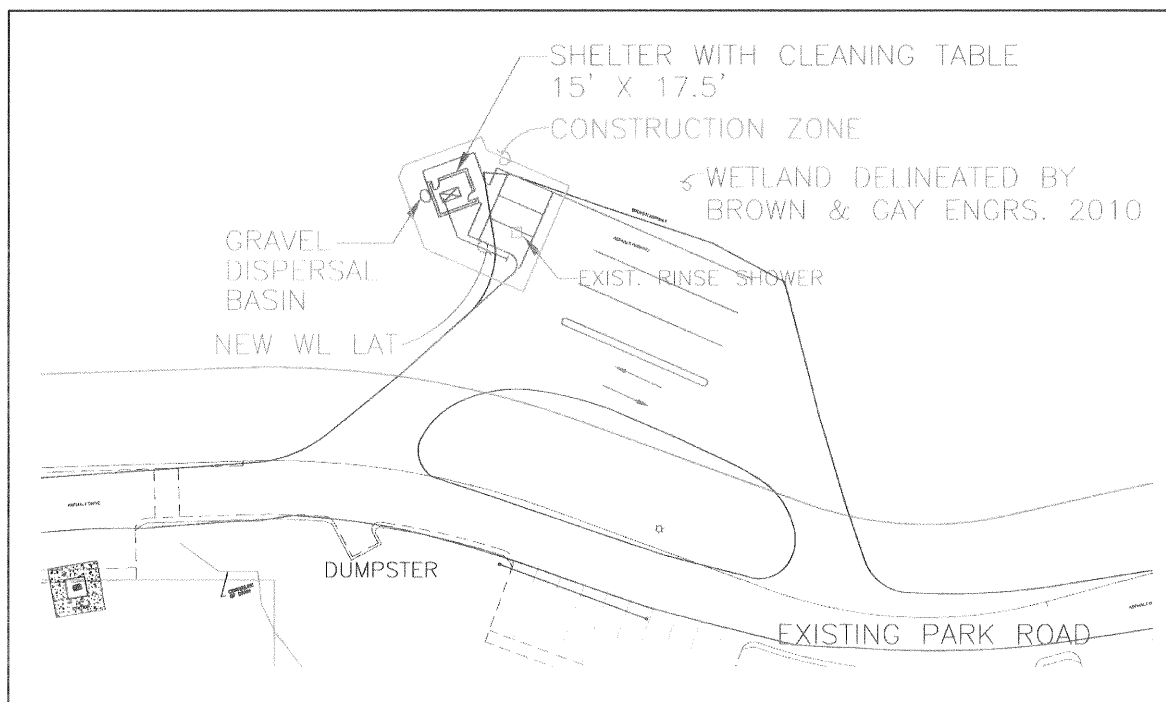


Figure 10. Site plan for the fish cleaning shelter and the location of existing development and environmental features.



## **VI. Pertinent Species and Habitat:**

The Project consists of four separate improvements, located in different areas of the Park. The Fence Lake viewing platform does not contain seagrass beds or hard substrates that would support corals or hard structure habitats. The shoreline vegetation of the Lake is dominated by common reed. The Willow Pond viewing platform is partly located within a wetland. Dominant vegetation includes salt bush, high tide bush, American bulrush, saltmarsh mallow, salt cedar, and marshhay cordgrass. A boardwalk and viewing platform is being built in the Project area to minimize impacts to vegetation from uncontrolled visitor access. The comfort station will be located on what is currently a parking lot with a grassy area. Vegetation at the comfort station includes non-native turf grasses which are mostly comprised of Bermuda grass. Development of the comfort station will eliminate all vegetation in the Project area. The fish cleaning shelter will be located within and adjacent to the equestrian parking lot and it is near the beach. Vegetation consists of a mix of non-native and native grasses and sedges, dominated by Bermuda grass, bitter panicum, and American bulrush. A portion of the Project footprint will be in an area with existing vegetation.

### **A. Include species/habitat occurrence map: Attach a map that identifies species locations with the project area.**

See Figures 1 – 10 depicting the project area in Section IV. Species distribution maps for species that are federally-listed and may be present in Jefferson County are below. Distribution maps were downloaded from the USFWS Ecological Services webpage for Region 2 on 19 April 2013 ([http://www.fws.gov/southwest/es/ES\\_ListSpecies.cfm](http://www.fws.gov/southwest/es/ES_ListSpecies.cfm)).

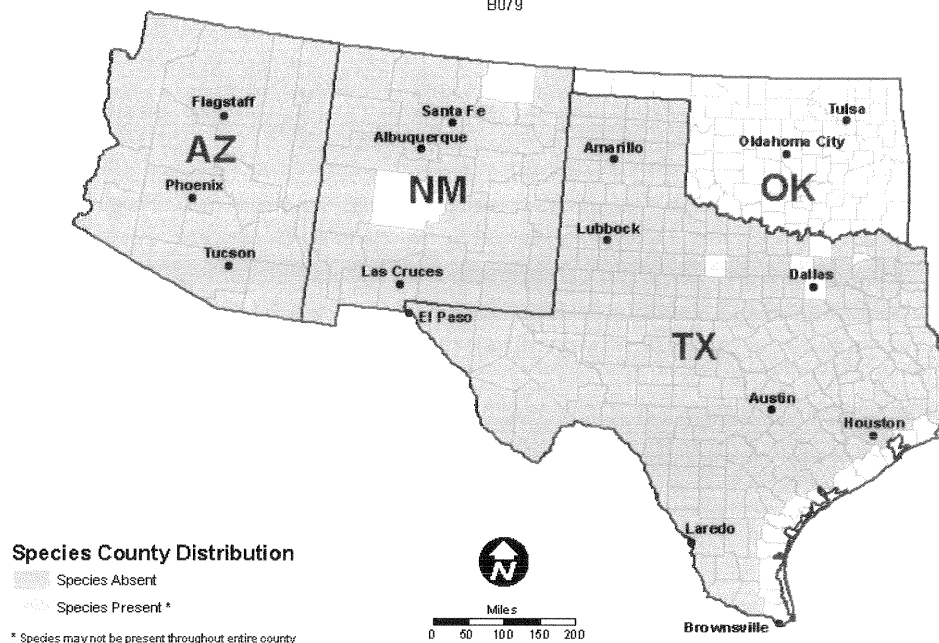
The red knot may occur in the project area but is not indicated as Present at the county level below. Although USFWS does not show the red knot as being located near Sea Rim State Park, the ebird database ([ebird.org](http://ebird.org)) shows that this species has been observed in the area.



## pipin9 plover

*Charadrius melodus*

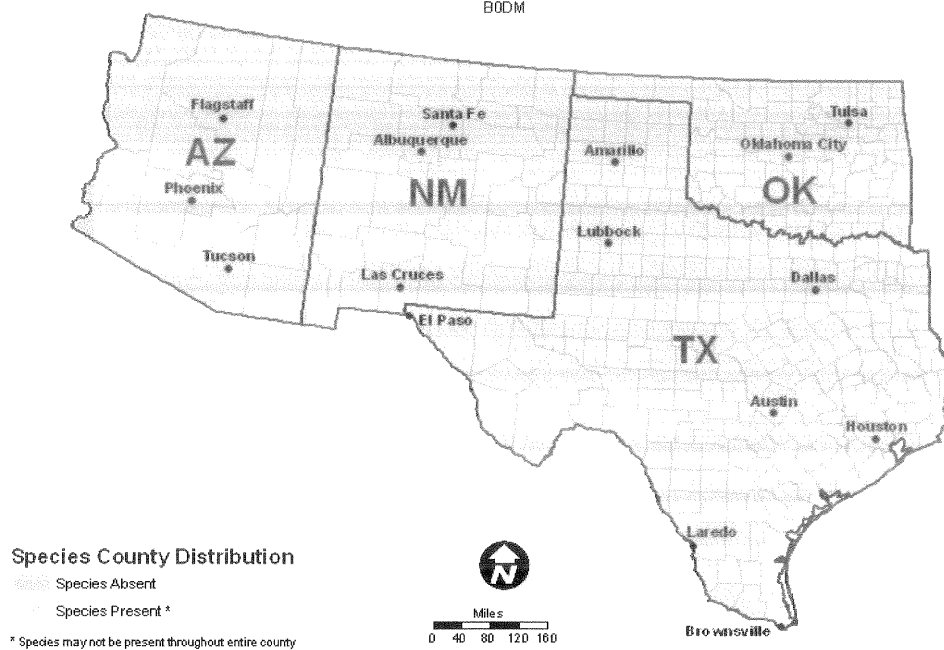
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## red knot

*Calidris canutus rufa*

B0DM



**B. Complete the following table:**

Jefferson County, Texas species list. Species that are federally listed or proposed for federal listing are shaded gray in the table.

SPECIES	STATE STATUS <sup>1</sup>	FEDERAL STATUS <sup>2</sup>	HABITAT PRESENT <sup>3</sup>	CRITICAL HABITAT <sup>4</sup>	TYPE	DESCRIPTION
Alligator Snapping Turtle ( <i>Macrochelys temminckii</i> )	T	---	Yes	No	Reptile	Habitat consists of perennial water bodies, slow-moving, deep water of rivers, sloughs, oxbows, and canals or lakes associated with rivers, also swamps, bayous, and ponds near deep running water. They sometimes enters brackish coastal waters; usually in water with mud bottom and abundant aquatic vegetation. Species may be present in the project area.
American Peregrine Falcon ( <i>Falco peregrinus anatum</i> )	T	DL	Yes	No	Bird	Seasonal migrants can be found throughout the state. During migration they can be found in most open habitats including barrier islands, mudflats, coastlines, lake edges and mountain chains. The Texas breeding population is located in the Big Bend and Guadalupe Mountains national parks. Species may be present in the project area.
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	T	DL	Yes	No	Bird	Habitat most commonly includes areas close to (within 4 km) coastal areas, bays, rivers, lakes, reservoirs, or other bodies of water that reflect the general availability of primary food sources including fish, waterfowl, or seabirds. Species may be present in the project area.
Brown Pelican ( <i>Pelecanus occidentalis</i> )	---	DM	Yes	No	Bird	Habitat mainly consists of coastal and near shore areas, where they roost and nest on islands and spoil banks. More than 90% of pelicans in Texas nest on Pelican Island in Corpus Christi Bay or Sundown Island in Matagorda Bay. Pelicans eat fish caught in the coastal waters. Species may be present in the project area.
Green Sea Turtle ( <i>Chelonia mydas</i> )	T	T	No	No	Reptile	Although sea turtles may be present in Jefferson County, they are unlikely to be in the project area due to the project location and environmental conditions. Fence Lake is an interior waterbody located in the Salt Bayou Marsh system. It is connected to a major waterway

SPECIES	STATE STATUS <sup>1</sup>	FEDERAL STATUS <sup>2</sup>	HABITAT PRESENT <sup>3</sup>	CRITICAL HABITAT <sup>4</sup>	TYPE	DESCRIPTION
						(Gulf Intracoastal Waterway) via a 8-mile chain of lakes and dredged waterways. Fence Lake is relatively shallow with depths ranging from 2-3-feet (depth is based on a survey conducted in June 2002) and turbidity is high. Salinity in Fence Lake is lower than that of seawater and it does not support seagrasses. Therefore, sea turtles are not expected in the project area. None of the improvements take place on the beach, the only other habitat in which sea turtles might be found.
Hawksbill Sea Turtle ( <i>Eretmochelys imbricata</i> )	E	E	No	No	Reptile	Although sea turtles may be present in Jefferson County, they are unlikely to be in the project area due to the project location and environmental conditions. Fence Lake is an interior waterbody located in the Salt Bayou Marsh system. It is connected to a major waterway (Gulf Intracoastal Waterway) via a 8-mile chain of lakes and dredged waterways. Fence Lake is relatively shallow with depths ranging from 2-3-feet (depth is based on a survey conducted in June 2002) and turbidity is high. Salinity in Fence Lake is lower than that of seawater and it does not support seagrasses. Therefore, sea turtles are not expected in the project area. None of the improvements take place on the beach, the only other habitat in which sea turtles might be found.
Kemp's Ridley Sea Turtle ( <i>Lepidochelys kempii</i> )	E	E	No	No	Reptile	Although sea turtles may be present in Jefferson County, they are unlikely to be in the project area due to the project location and environmental conditions. Fence Lake is an interior waterbody located in the Salt Bayou Marsh system. It is connected to a major waterway (Gulf Intracoastal Waterway) via a 8-mile chain of lakes and dredged waterways. Fence Lake is relatively shallow with depths ranging from 2-3-feet (depth is based on a survey conducted in June 2002) and turbidity is high. Salinity in Fence Lake is lower than that of seawater and it does not support seagrasses. Therefore, sea turtles are not expected in the project area. None of the improvements take place on the beach, the only

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Leatherback Sea Turtle ( <i>Dermochelys coriacea</i> )	E	E	No	No	Reptile	other habitat in which sea turtles might be found. Although sea turtles may be present in Jefferson County, they are unlikely to be in the project area due to the project location and environmental conditions. Fence Lake is an interior waterbody located in the Salt Bayou Marsh system. It is connected to a major waterway (Gulf Intracoastal Waterway) via a 8-mile chain of lakes and dredged waterways. Fence Lake is relatively shallow with depths ranging from 2-3-feet (depth is based on a survey conducted in June 2002) and turbidity is high. Salinity in Fence Lake is lower than that of seawater and it does not support seagrasses. Therefore, sea turtles are not expected in the project area. None of the improvements take place on the beach, the only other habitat in which sea turtles might be found.
Loggerhead Sea Turtle ( <i>Caretta caretta</i> )	T	T	No	No	Reptile	Although sea turtles may be present in Jefferson County, they are unlikely to be in the project area due to the project location and environmental conditions. Fence Lake is an interior waterbody located in the Salt Bayou Marsh system. It is connected to a major waterway (Gulf Intracoastal Waterway) via a 8-mile chain of lakes and dredged waterways. Fence Lake is relatively shallow with depths ranging from 2-3-feet (depth is based on a survey conducted in June 2002) and turbidity is high. Salinity in Fence Lake is lower than that of seawater and it does not support seagrasses. Therefore, sea turtles are not expected in the project area. None of the improvements take place on the beach, the only other habitat in which sea turtles might be found.
Louisiana Black Bear ( <i>Ursus americanus luteolus</i> )	T	T	No	No	Mammal	The black bear is found throughout North America. The subspecies <i>luteolus</i> of Louisiana, Mississippi and Texas is listed by USFWS as Threatened. Other bears of the species <i>U. americanus</i> within the same range of <i>luteolus</i> are designated as threatened because of the similarity of appearance. Black bears inhabit forests and nearby openings, including forested wetlands. They have been

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						found in the Big Bend region and other areas of west and southwest Texas. Black bears are sighted very rarely in the wooded areas of eastern Texas, primarily the result of individuals that have wandered into the state from release sites in Louisiana. This species is unlikely to be in the project area.
Louisiana pigtoe ( <i>Pleurobema riddellii</i> )	T	---	No	No	Mollusk	This species is found in freshwater streams and moderate-size rivers. They prefer areas of flowing water on substrates of mud, sand, and gravel. This species is generally not associated with impoundments. This species is not present the project area.
Northern Scarlet Snake ( <i>Cemophora coccinea copei</i> )	T	---	No	No	Reptile	These secretive snakes inhabit hardwood, mixed, or pine forest/woodland and adjacent open areas with sandy or loamy well-drained soils. Specific habitats include pine flatwoods, dry or dry prairie, salt grass prairie, maritime hardwood hammock, bottomland forest, sandhills, margins of irrigation canals in sawgrass prairies, borders of swamps and plowed fields, abandoned fields, and roadsides. This species is unlikely to be in the project area.
Piping Plover ( <i>Charadrius melodus</i> )	T	T	Yes	No	Bird	Wintering habitat preferred by piping plovers in Texas includes very sparsely vegetated tidal mudflats, sand flats, or algal flats and the species may be present in the project area.
Rafinesque's Big-eared Bat ( <i>Corynorhinus rafinesquii</i> )	T	---	No	No	Mammal	These bats roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures. This species is unlikely to be in the project area.
Reddish Egret ( <i>Egretta rufescens</i> )	T	---	Yes	No	Bird	These birds breed along the entire Texas coast and on rare occasions has been spotted breeding inland. During fall they have been observed migrating south. They forage in shallow water (usually less than 15 cm deep); saline, hypersaline, or brackish coastal habitats including barren sand or mud tidal flats, salt ponds, and lagoons. On occasion they feed in other habitats including coastal beaches, sparsely-vegetated freshwater

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						marshes, and the shores of lake and reservoirs.
Red Knot ( <i>Calidris canutus rufa</i> )	---	p**	Yes	No	Bird	While in Texas, red knots are primarily found in intertidal marine habitats. They rely on shoreline habitat for feeding and resting. This species may be present in the project area. This species may be in the project area.
Red Wolf ( <i>Canis rufus</i> )	E	E*	No	No	Mammal	This species has been extirpated from Texas.
Sandbank pocketbook ( <i>Lampsilis satura</i> )	T	---	No	No	Mollusk	This species is present in small to large rivers with moderate flows and swift current on gravel, gravel-sand, and sand bottoms. It is generally found in east Texas, Sulfur south through San Jacinto River basins, and within the Neches River. This species is not present the project area.
Sprague's Pipit ( <i>Anthus spragueii</i> )	---	C	No	No	Bird	Habitat consists of well-drained open grasslands and fields. There is no well-drained grassland in the project area and this species is not expected in the project area.
Swallow-tailed Kite ( <i>Elanoides forficatus</i> )	T	---	Yes	No	Bird	Swallow-tailed kites breed in Texas in bottomland forest with nearby open areas, freshwater marshes adjacent to large lakes, and within pine glades adjoining cypress swamps. They nest high in tall trees in clearings or on forest woodland edge, usually in pine, cypress, or various deciduous trees. This species is rarely observed within Sea Rim State Park. It is not expected in the project area.
Texas heelsplitter ( <i>Potamilus amphichaenus</i> )	T	---	No	No	Mollusk	Habitat consists of freshwater areas with sand bottoms, which may also include reservoirs. This species is not present the project area.
Texas Horned Lizard ( <i>Phrynosoma cornutum</i> )	T	---	No	No	Reptile	They can be found in arid and semiarid habitats in open areas with sparse plant cover. Because horned lizards dig for hibernation, nesting and insulation purposes, they commonly are found in loose sand or loamy soils. Texas Horned Lizards feed primarily on harvester ants. Today, Texas horned lizards are only seen in the western third of the state and are not present the project area.
Texas Pigtoe	T	---	No	No	Mollusk	This species is present in freshwater rivers with mixed

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<i>Fusconaia askewi</i>						mud, sand, and fine gravel in protected areas associated with fallen trees or other structures. It is located within the Sabine, Trinity, and San Jacinto River basins. This species is not present the project area.
Timber/Canebrake Rattlesnake ( <i>Crotalus horridus</i> )	T	---	No	No	Reptile	Timber rattlesnakes prefer moist lowland forests and hilly woodlands or thickets near permanent water sources such as rivers, lakes, ponds, streams and swamps where tree stumps, logs and branches provide refuge. This species is not present the project area.
West Indian Manatee ( <i>Trichechus manatus</i> )	E	E	No	No	Mammal	Manatees usually inhabit waters over 1.5 meters deep. Appropriate habitat does not exist for this species in the project area.
White-faced Ibis ( <i>Plegadis chihi</i> )	T	---	Yes	No	Bird	This ibis is found year-round in Texas. It prefers freshwater marshes, sloughs, and irrigated rice fields, but will also use brackish and saltwater habitats. They nest in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats. This species is not known to nest in the project area but could be foraging or resting.
Wood Stork ( <i>Mycteria americana</i> )	T	---***	Yes	No	Bird	Wood Storks forage in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water. Wood Storks nest in swamps or on islands surrounded by relatively broad expanses of open water. Although historically wood storks nested in Texas, there have been no observations of such activities since 1960. Foraging or resting could occur in the project area.

## Notes:

E = Endangered, T = Threatened, DL = Delisted, DM = Delisted, but Monitored, C=Candidate species, P = Proposed species, E(PT)=endangered, proposed for down listing to threatened.

\* Although federally endangered, this species is not considered by the USFWS as a potential species to occur in Jefferson County.

\*\* According to the USFWS maps, the red knot is not known to occur in Jefferson County. However, there have been recent sightings near Sea Rim State Park according to [ebird.org](http://ebird.org); therefore, we are considering this species in conference.

\*\*\* There are two known breeding populations of wood storks; the first is the endangered flock that migrates from the Southeastern U.S. further north and possibly into

Alabama and Mississippi. The other, non-endangered population, migrates from Argentina and Mexico into Texas and Louisiana and further north along the Mississippi River. The flock protected by the ESA does not occur in Texas, and therefore the Wood Stork is not considered within this ESA consultation.

- 1 The TPWD list was used to identify state-listed species (Accessed April 2013: [http://www.tpwd.state.tx.us/gris/ris/es/ES\\_Reports.aspx?county=Galveston](http://www.tpwd.state.tx.us/gris/ris/es/ES_Reports.aspx?county=Galveston))
- 2 The USFWS list was used to identify federally-listed species (Accessed April 2013: [http://www.fws.gov/southwest/es/ES\\_ListSpecies.cfm](http://www.fws.gov/southwest/es/ES_ListSpecies.cfm)).
- 3 Habitat refers to potential habitat for the species within the project area.
- 4 Critical Habitat refers to critical habitat for the species within the project area.



## VII. Determination of Effects:

### A. Explanation of effects of the action on species and critical habitats in item V.B (attach additional pages as needed):

SPECIES	SPECIES IMPACTS
Green Sea Turtle ( <i>Chelonia mydas</i> )	This species does not exist in the project area. There will be no effects to this species.
Hawksbill Sea Turtle ( <i>Eretmochelys imbricata</i> )	This species does not exist in the project area. There will be no effects to this species.
Kemp's Ridley Sea Turtle ( <i>Lepidochelys kempii</i> )	This species does not exist in the project area. There will be no effects to this species.
Leatherback Sea Turtle ( <i>Dermochelys coriacea</i> )	This species does not exist in the project area. There will be no effects to this species.
Loggerhead Sea Turtle ( <i>Caretta caretta</i> )	This species does not exist in the project area. There will be no effects to this species.
Louisiana Black Bear ( <i>Ursus americanus luteolus</i> )	This species does not exist within Sea Rim State Park. There will be no effects to this species.
Piping Plover ( <i>Charadrius melodus</i> )	Piping plovers do not breed in the area, but they do use the nearby beaches and exposed bay bottoms during the non-breeding season for foraging and resting. Although preferred habitat for this species does not exist in the project area, marginal habitat does exist near the fish cleaning shelter. In order to minimize impacts if the bird is present, special management practices will be used during construction activities (see Section VII. B.). The completed project will not have any indirect impacts on piping plovers. All pets in the park are required to be kept on a leash and the fish cleaning shelter will be cleaned regularly throughout the day to prevent increases in predators to the area. The fish cleaning shelter is located next to an existing parking lot that is already in use. Increases in visitation resulting from the Project are not expected to impact piping plovers as these improvements are outside of preferred habitat areas. We expect that the implementation of the measures below will avoid or minimize any effects such that they are insignificant and discountable.
Red Knot ( <i>Calidris canutus rufa</i> )	Based on local knowledge and best professional judgment, appropriate habitat for this species does not exist in the project area; although there is appropriate habitat in Sea Rim State Park. This species has been rarely observed within the Park. The only known use of the Park by red knots is on the beach and none of the improvements will be located on or affect the beach. Indirect effects as discussed above for the piping plover are also not anticipated to affect red knot. No effects are anticipated.
Red Wolf ( <i>Canis rufus</i> )	This species has been extirpated from Texas. No effects are anticipated.

SPECIES	SPECIES IMPACTS
Sprague's Pipit ( <i>Anthus spragueii</i> )	Appropriate habitat does not exist in the project area. No effects are anticipated.
West Indian Manatee ( <i>Trichechus manatus</i> )	Appropriate habitat for this species does not exist within the Park and there are no records of this species occurring within the project area. Therefore, there will be no effects to this species.

Many species are not expected to be found in the project area. Therefore, no additional actions are expected to be taken in regards to those species. If any of these species are identified in the project area during construction, construction activities would cease and USFWS would be contacted to determine avoidance measures to minimize impacts.

#### B. Explanation of actions to be implemented to reduce adverse effects:

The only listed species to have the potential to be present in the fish cleaning shelter project area is the piping plover. The table below describes the actions that will be taken to minimize impacts.

SPECIES	ACTIONS TO MINIMIZE IMPACTS
Piping Plover	Even though the potential for this species to be present is minimal, special management practices will be used during construction activities to minimize the potential for adverse effects. These practices include having an onsite monitor, avoiding work after dark, maintaining a speed limit of 10 mph, and stopping work if the birds are observed foraging within 100 feet of the work site. The onsite monitor will have stop work authority and will be present at the site when construction is occurring near the fish cleaning shelter. The trained monitor will survey the area daily prior to the initiation of any construction activity and periodically throughout the day. If large construction vehicles are left in the project area, the areas around the tires will be surveyed before moving the vehicle. The monitor will keep a daily log documenting all surveys conducted during the fish cleaning shelter construction project.

#### VIII. Effect Determination and Response Requested:

Species	Species Impacts			Response Requested
	NE	NLAA	MAA	
Green Sea Turtle ( <i>Chelonia mydas</i> )	X			Concurrence
Hawksbill Sea Turtle ( <i>Eretmochelys imbricata</i> )	X			Concurrence
Kemp's Ridley Sea Turtle ( <i>Lepidochelys kempii</i> )	X			Concurrence
Leatherback Sea Turtle ( <i>Dermochelys coriacea</i> )	X			Concurrence
Loggerhead Sea Turtle ( <i>Caretta caretta</i> )	X			Concurrence
Louisiana Black Bear ( <i>Ursus americanus luteolus</i> )	X			Concurrence

Species	Species Impacts			Response Requested
	NE	NLAA	MAA	
Piping Plover ( <i>Charadrius melodus</i> )		X		Concurrence
Red Knot ( <i>Calidris canutus rufa</i> )	X			Conference
Red Wolf ( <i>Canis rufus</i> )	X			Concurrence
Sprague's Pipit ( <i>Anthus spragueii</i> )	X			Conference
West Indian Manatee ( <i>Trichechus manatus</i> )	X			Concurrence

## IX. Migratory Birds and Bald Eagles

### A. Identify the species anticipated in the project area and behaviors (breeding, roosting, foraging) anticipated during project implementation. (see Attached Sheet)

There are over 270 species of migratory birds that are present during at least part of the year at Sea Rim State Park. Of these species, only a few have the potential to nest within or near the proposed Sea Rim State Park Improvements Project. The table Attached identifies migratory bird species that may be within Sea Rim State Park and it describes their abundance, habitat, and behaviors. There are no golden eagles present within Sea Rim State Park. On rare occasions bald eagles may nest within the Park; however, their nests are not within 660 feet the Project area.

### B. If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

It is possible that migratory birds may nest in the project area. There is no mechanical clearing of vegetation with this Project, but there would be enough disturbances to displace or destroy nests, eggs or chicks. Therefore, at least the initial site access, clearing, and construction effort would be conducted outside of the spring nesting season (March 15<sup>th</sup> to July 1<sup>st</sup>). Once the site has been cleared and construction commenced, nesting birds would avoid the construction area and further work can occur throughout the year. Construction activities would produce enough noise and disturbance to prevent birds from nesting in the area, thereby preventing impacts to nesting birds.

The fish cleaning shelter is the only proposed improvement close to the beach. Therefore, special management practices during construction of the fish cleaning shelter would be used to prevent any impacts to migratory birds. The special management practices include having an onsite monitor, avoiding work after dark, maintaining a speed limit of 10 mph, and stopping work if the birds are observed foraging within 100 feet of the work site. The onsite monitor would have stop work authority and would be present at the site when construction is occurring near the fish cleaning shelter. The trained monitor would survey the area daily prior to the initiation of any construction activity and periodically throughout the day. If large construction vehicles are left

in the Project area, the areas around the tires would be surveyed before moving the vehicle. The monitor would keep a daily log documenting all surveys conducted during the construction of the fish cleaning shelter.

**Signatures from the station preparing the Intra-Service Biological Evaluation:**

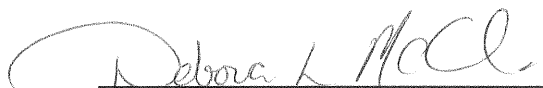
/s/ Holly N. Blalock-Herod

Signature (originating station - preparer)

DOI Case Management Team, ESA Coordinator

1/2/2014

date



Signature (originating station)

Deputy Case Manager

1/9/14

date

**This analysis resulted in a determination that no “take” of a federally listed species would occur. If any of the following occur, then there must be reinitiation on this action:**

- (1) any incidental take occurs
- (2) new information reveals effects of the Service’s action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion;
- (3) the Service’s action is later modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or
- (4) a new species is listed or critical habitat designated that may be affected by the action.

**In instances where any incidental take occurs, the operations causing such take must cease until reinitiation.**

**If reinitiation is required, contact the (Clear Lake Field Office) about the action.**

17629 El Camino Real #211, Houston, Texas 77058

Phone: 281-286-8282; Fax: 281-488-5882

**X. Reviewing Ecological Services Office Evaluation:**

A. Concurrence X Nonconcurrence \_\_\_\_\_

B. Formal consultation required \_\_\_\_\_

C. Conference required \_\_\_\_\_

D. Informal conference required \_\_\_\_\_

E. Remarks (attach additional pages as needed):

Sea Rim State

25 Park  
Project

Wildlife Blinds,  
Comfort Stations  
Fish cleaning  
Stellar

Man Zeltan

Signature

01/29/2013

date

J. H. Lee

Field Supervisor

Texas  
Coastal ES office.

office

RECEIVED  
2/18/14  
KJB